

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DAVEON KYREE HAYES,

Case No. 2:23-cv-00463-RFB-VCF

Petitioner,

**ORDER**

v.

WILLIAM GITTERE, et al.,

Respondents.

*Pro se* Petitioner Daveon Kyree Hayes has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1 (“Petition”).) Petitioner has not properly commenced this habeas action by either paying the standard \$5 filing fee or filing an application for leave to proceed in forma pauperis (“IFP”). Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Petitioner will have 60 days from the date of this order to either pay the \$5 filing fee or submit a complete IFP application with all required documentation.

**IT IS THEREFORE ORDERED** that the initial screening of Petitioner Daveon Kyree Hayes’s Petition (ECF No. 1) under the Rules Governing Section 2254 Cases is deferred until such time as he has fully complied with this order.

1       **IT IS FURTHER ORDERED** that within 60 days of the date of this order, Petitioner must  
2 file an IFP application that includes a: (a) financial certificate signed by Petitioner and an  
3 authorized prison official, (b) financial declaration and acknowledgement signed by Petitioner,  
4 and (c) copy of Petitioner's inmate account statement for the six-month period prior to filing.  
5 Alternatively, Petitioner must pay the \$5 filing fee within 45 days. If Petitioner decides to pay the  
6 filing fee from his inmate account, he must arrange to have a copy of this order attached to the  
7 check for the filing fee. Petitioner's failure to timely comply with this Order will result in the  
8 dismissal of the petition without prejudice and without further advance notice.

9       **IT IS FURTHER ORDERED** that the Clerk of Court send Petitioner one blank copy of  
10 the IFP application form for inmates along with instructions and two copies of this order.

11       Dated: April 7, 2023.



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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT COURT